

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PAMELA MAHONEY;
MICHAEL MAHONEY;
LISA SOLOMON; and
MITCH SOLOMON,

Plaintiffs,

-against-

U.S. DEPARTMENT OF THE
INTERIOR; BUREAU OF OCEAN ENERGY
MANAGEMENT; U.S. DEPARTMENT OF
THE ARMY; and U.S ARMY CORPS
OF ENGINEERS,

Defendants

And

SOUTH FORK WIND LLC,

Defendant-Intervenor,

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NOTICE OF MOTION

Civil Action No.
22 CV 01305

(Block, J.)
(Tiscione, M.J.)

PLEASE TAKE NOTICE THAT upon the accompanying Declaration of Assistant U.S. Attorney Vincent Lipari, dated September 21, 2022, with annexed exhibits, and the accompanying memorandum of law, defendants U.S. Department of the Interior; Bureau Of Ocean Energy Management; U.S. Department of the Army; and U.S Army Corps of Engineers, by their attorney, Breon Peace, United States Attorney, Vincent Lipari, Assistant United States Attorney, will move before the Hon. Frederic Block, United States District Judge, United States District Courthouse, Eastern District of New York, East Cadman Plaza, Brooklyn, New York 11201, at such time and place as set by the court, for an order: (1) dismissing the complaint in its entirety, pursuant to Fed. R. Civ. P. 12(b)(1), for lack of subject matter jurisdiction because plaintiffs lack

standing; or, (2) dismissing plaintiffs second and third claims, pursuant to Fed., R. Civ. P. 12(b), for failure to state a claim; together with such other relief as is appropriate.

Dated: Central Islip, New York
September 21, 2022

BREON PEACE
United States Attorney, E.D.N.Y.
Attorney for Defendant
610 Federal Plaza
Central Islip, New York 11722

By: S/VINCENT LIPARI
VINCENT LIPARI
Assistant U.S. Attorney
(631)715-7864